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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2008 JUL 11 0803 21 11

UNITED STATES OF AMERICA

Plaintiff,

v.

Guadalupe PONCE-Ojeda

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Sec. 1324(a)(2)(B)(ii)
Bringing in Alien(s) For Financial Gain
(Felony)
Title 18, U.S.C., Section 2
Aiding and Abetting
(Felony)

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about July 10, 2008, within the Southern District of California, defendant, Guadalupe PONCE-Ojeda did knowingly and in reckless disregard of the fact that aliens, namely Jose Luis GUZMAN-Higuera, Francisco LEON-Diaz and Luz Evelia ANAYA-Trujillo, had not received prior official authorization to come to, enter and remain in the United States, did willfully bring to and attempt to bring to the United States such aliens, a felony, in that the defendant committed the offense for the purpose of commercial advantage and private gain in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii) and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Mark Nandy
Signature of Complainant

Mark Narvaez, Special Agent
U.S. Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 17th DAY OF JULY, 2008.

[Signature]
UNITED STATES MAGISTRATE JUDGE



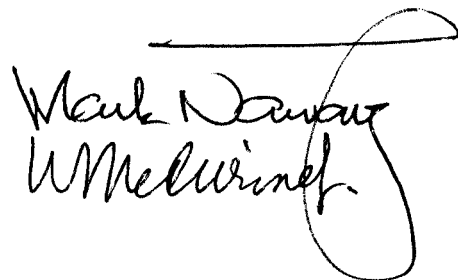
Statement of Facts

These facts are based on my personal participation in this investigation and on written and oral statements received from other law enforcement officers. I submit that the facts contained in this statement demonstrate that probable cause exists to believe that the defendant named in the attached complaint committed the crimes charged in the complaint.

The complainant states that he believes that Jose Luis GUZMAN-Higuera, Francisco LEON-Diaz and Luz Evelia ANAYA-Trujillo are citizens of a country other than the United States; that said aliens have admitted that they are deportable as defined in Title 8, United States Code, Section 1229(c); that it is impractical to secure their attendance at the ~~trial~~^{trial} thereof by subpoena; and that they are material witnesses in relation to this charge and should be held or admitted to bail as prescribed in Title 8, United States Code, Section 1227(d). *one*

On July 10, 2008 at approximately 0100 hours, U.S. Customs and Border Protection (CBP) Marine Interdiction Agents (MIA) detected a vessel with no navigational lights in waters north of the U.S./Mexico International Sea Border. Once located, MIA Tim Feige and U.S. Border Patrol Agent (BPA) Michael Struve boarded the vessel. MIA Feige questioned all of the eleven occupants found on board regarding their country of citizenship. All eleven occupants claimed to be citizens of Mexico with no documents or other documentation to enter the United States. All occupants of the vessel were then transferred to CBP Vessel 392779 and transported to the Marine Corp Recruit Depot (MCRD). While at MCRD, U.S. Immigration and Customs Enforcement (ICE) Special Agent (S/A) Mark Narvaez and S/A Mark Levan identified Guadalupe PONCE-Ojeda as the probable driver of the vessel. All eleven subjects were transferred to ICE and U.S. Border Patrol custody at the MCRD, and subsequently transported to the U.S. Border Patrol Imperial Beach Station for processing and interview.

Occupants of the vessel identified PONCE from a photo array as the driver of the vessel during witness interviews. Each smuggled alien stated that he/she was going to pay a fee to be smuggled into the United States aboard the vessel. Post Miranda, PONCE admitted that he was going to be paid \$4,000 to bring the undocumented aliens from Mexico to the United States aboard the vessel. PONCE declared that he departed from Ensenada, Mexico in the vessel and his final destination was to be LaJolla in San Diego, California. PONCE stated that during the voyage from Mexico to the United States, he instructed the passengers of the vessel not to identify him as the vessel operator if U.S. Law Enforcement encountered them. Furthermore, PONCE stated that he knew the legal procedure to enter the United States from Mexico is through a U.S. port of entry with legal documentation.



Mark Narvaez
W. Melvin